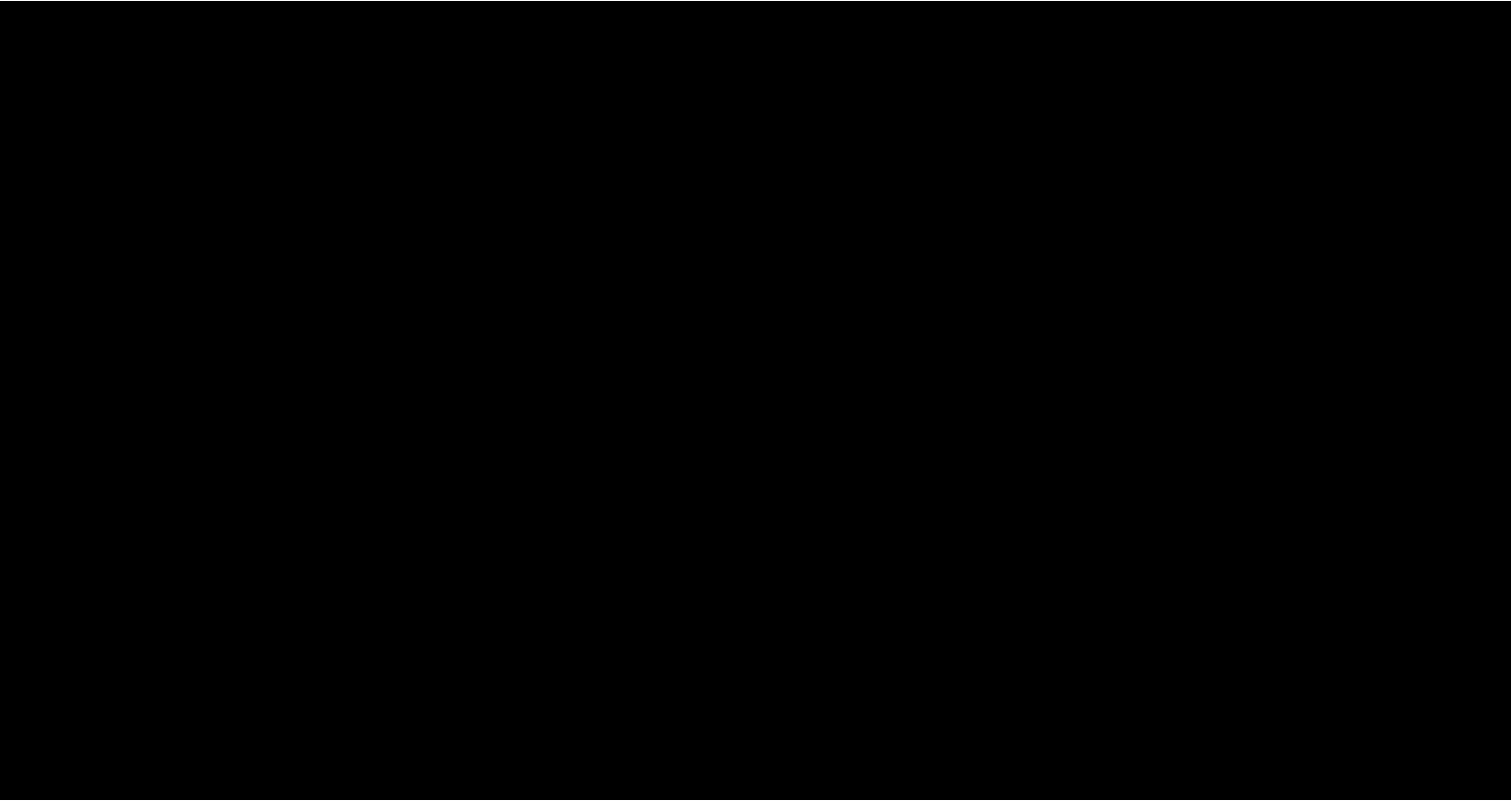


Exhibit C



From: Spiegel, John
Sent: Friday, May 22, 2020 1:41 PM
To: 'Paul Farrell' <paul@farrell.law>
Cc: tomsmith@smithlawpllc.net
Subject: Request for deposition of retired former McKesson CEO John Hammergren
Importance: High

Paul,

I am responding to your email of May 20. Our firm represents John Hammergren, the retired former CEO of McKesson Corp. Mr. Hammergren is not an employee of McKesson and is not a party to this lawsuit. He lives in New Hampshire, and is not available to come to a trial in West Virginia. Nor is it reasonable to proceed with preparing for and taking his deposition during the current COVID 19 restrictions.

In any event, we don't believe there is a basis for taking an apex deposition of Mr. Hammergren, given the extensive deposition and document discovery provided to plaintiffs in this case for McKesson employees who were directly involved in the activities at issue in your litigation. We also believe that any dispute is not yet ripe for decision, given that plaintiffs have requested and will be receiving documents from Mr. Hammergren's custodial files from McKesson. I note that plaintiffs represented to the Court in seeking these documents as follows: "this Court and others have recognized that documents obtained through discovery can be critical to determining whether an apex deposition will be allowed... Plaintiffs do not seek to

compel those depositions [of Defendants' CEOs] at this time and await production of their documents." (Mot. to Compel ESI at 2 and n.2.)

If, notwithstanding the above, you still wish to seek Mr. Hammergren's deposition now, we will work with you to obtain a resolution as promptly and efficiently as reasonably possible. You will of course need to serve a subpoena for the deposition of an out-of-state, nonparty witness under the Federal Rules of Civil Procedure. We will accept service of a properly issued out-of-state subpoena subject to agreement on a reasonable schedule and procedure for the hearing of our motion to quash.

I would again urge you to wait to review the documents you have represented are "critical" to the determination of whether an apex deposition of Mr. Hammergren will be "allowed", to avoid potentially unnecessary and premature litigation of this issue.

Please don't hesitate to call if you would like to discuss this issue further.

Best regards,

John